

Appl. No. 10/754,389
Amdt. Dated: September 12, 2005
Reply to final office action of July 12, 2005

REMARKS

Claims 8-13 have been canceled, leaving Claims 1-7 for further consideration upon the entry of the amendment.

Claims 1-2 and 6 stand rejected under 35 U.S.C. §102(e) as being anticipated by Lin et al., US 2002/0113245 (hereinafter "Lin") for the reasons stated on pages 2-3 of the Office Action.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). However, Lin does not disclose or teach each and every element as set forth in the Claim 1 for at least the reasons described below.

Claim 1 recites a chip light emitting diode comprising: a metal pad and a lead spaced away from each other on a printed circuit board; a light emitting chip mounted on the metal pad; a wire connecting the light emitting chip and the lead; and a resin package sealing the light emitting chip and at least a part of the metal pad, lead, and the wire, the resin package having at least one curved projecting part, the at least one curved projecting part having a cross section elongated along the printed circuit board.

Figure 2 of the Application teaches that the cross section of the curved projection part 161 is elongated along the printed circuit board 110. In contrast, neither Figure 3 nor Figure 4 of Lin discloses the cross section of a projecting part elongating along the printed circuit board C4. Therefore, Lin fails to disclose or teach at least the element "the at least one curved projecting part having a cross section elongated along the printed circuit board", as recited in Claim 1.

The chip light emitting diode as disclosed in Claim 1 mounts a chip on a print circuit board without interposing any frame. See Figure 2 of the application. In contrast, the paragraph [0015] of Lin teaches a light emitting diode including a chip C1 received in a bowl portion of a frame C2. Therefore, the chip light emitting diode as disclosed in Claim 1 is different from the light emitting diode as disclosed in Lin.

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Therefore, Lin neither anticipates nor renders Claim 1 obvious because it fails to disclose or teach each and every element as set forth in Claim 1. Since they depend from Claim 1, Claims 2 and 6 are also patentable over Lin.

Claims 3-5 and 7 stand objected to as being dependent upon a rejected base claim. Since Claim 1 is patentable over Lin for at least the reasons stated above, Claims 3-5 and 7, which depend from Claim 1, are also patentable.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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